GOVERNMENT OF MADRAS. Sectt. II-2

Revenue (1953) Department.

Endorsement

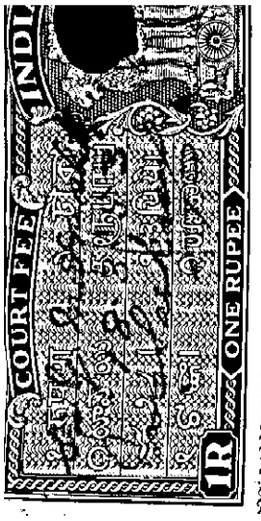
~~D.O.~~

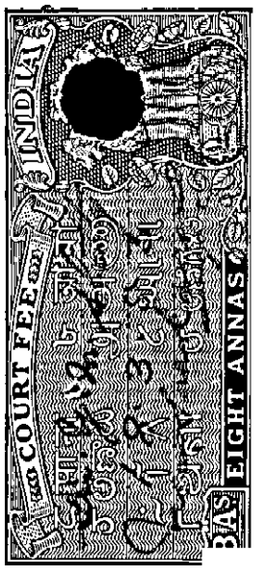
Memorandum

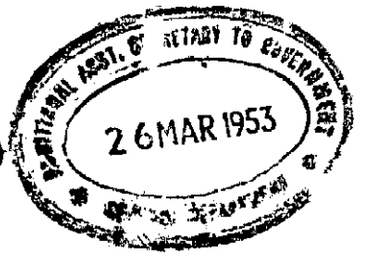
~~Lodged~~

No. 26792 AF/53-1

Dated 11-11- 1953.







26792/53

From,

Y. Muddu Shetty,
Merchant, Uchila.
Bada Village,
Udipi Taluq, South Kanara.

To The Secretory,
Revenue Department,
Govt. Of Madras,
Madras.

Sir,

Sub: Encroachment- Land (South Kanara Dist. Udipi Taluq. Bada Village S.No 47/A1-- Appeal against the order of the Board of Revenue B.P.Kt. No 428 dated 16-I-53.

The appalant had filled a revision pitition v the Board of Renenue on 19-7-52 against the order of Collector of South Kanara. The Board did not reconsi the appalant's grievance. As the removal of the said encroachment will cause great loss and hardship to t appalent. ~~Hence~~ The appalent is compelled to approa the Government, for reconsideration and to redress genuine grievence of the appalent.

2 The appalent begs to state that the encroach portion is less than a cent of land and is situate about 95 links away from the center of the Road, a the Road is already broad enough and that there i road margin on either side to widen the road at an future date.

3 The appalent is in possition of this tiney of land since about 20 years, and this portion has granted to him on lease since then for a rent of R He is running a provision shop and is the licenced of rationed articles during the Rationed period, he is the President of the local Panchayat.

4 The Collector of South Kanara has inspected site on 9-12-52. and was realy convenced of the ap grevence and expressed that his case would be reco but to his great surprise he has been served with a from the Board of Revenue to vacate the site. The is helpless, therefore he prays that the Board's o may be stayed and justice be done to him.

5 The appalent is hopefull his grievence will reddressed if the Divisional Engeener of Highways inspect the site parsonaly. The appalent is prepare take the site on a temprary lease.

6 The appalent is prepared to depute a lawyer argue his case if he is directed to do so.

7 For which act of kindness he shall grateful.

Yours faithful

Uchila.
10-3-53.

Memo No 26792 B/53-1 dated 17.4.53.

Encroachment - Land - (South Kanara) - Udipi Taluk - Bada Village - S.No 47/A1 - Eviction - Petition to cancel - Report called for.

From Sri Y. Mudda Shetty petition dated 10.3.52

A copy of the petition cited is forwarded to the Collector of South Kanara for report with the connected records through the Bd. of Rev.

2 The Collector is also requested to stay eviction proceedings pending issue of final orders on the petition to cancel.

15/4/53

(Sd/ illegible)
for Secretary to Government

To The Collector of South Kanara
Copy to the Bd. of Rev. (L.R.)
(Both with copy of Memo)

15.4.53.
15.4.53

IN DUPLICATE

BY REGD.POST
Rc.C.No.9845/53.2

S.Kanara Collector's office,
Mangalore dated 23.5.1953

From

Sri A.Mahalingam Chettiar, B.A.,
Collector of South Kanara,
M A N G A L O R E.

The Secretary to Government,
Revenue Department,
Fort St.George, M A D R A S.9

Through

The Secretary to the Board of Revenue,
Land Revenue, Chepauk, M A D R A S.5

Sir,

ENCROACHMENT : Land (South Kanara) Udipi Taluk - Bada village. S.No 47/A1- Eviction - petition to the Government - Report submitted

Ref:Government memo.No 26792/A/53.1 Rev.dated 17.4.1953.

****

I enclose the following records:

1. Udipi Tahsildar's E.C.No. 21/60.
2. Collector's D.Dis.No 13352/51.

2/- This petition is against the orders of the Board in B.P.Rt.No. 428. dated 16.1.53. I have no remarks to offer My predecessor had inspected the encroachment and his report Ref.C.No A1. 20640/52.7 dated 15.12.1952 will be found in the records of P.P.Rt.No., 428.dated 16-1-1953.

Rev Dept

Memo No 26792 A2/53-2 dt 20/7/53

Encroachment – Land – (South Kanara) –
Udupi taluk – Badanilaya – SNo 47/A, –
Eviction Report

[illegible]

REVENUE DEPARTMENT.

Subject:-

Encroachment - Land - (South Kanara) - Udipi taluk - Bada village - S.No. 47/A1 - Eviction - Report.

Station: Madras. No.E.5384/53-1 Dated 17-8-1953.

Sri.W.R.S.Sattianathan, I.C.S., Commissioner of Land Revenue.
Sri.C.S.Krishna Moorthi, I.A.S., Secretary, Board of Revenue.

Read:-Govt. Revenue Dept. Memo No.26792 AZ/53-2 D/20-7-53.

REFERENCE:-.

The Board requests that a copy of the Government Memo No.26792 A/53-1, Revenue, dated 17-4-53 may be furnished to it as it is not traceable.

R. Vedam 18
For SECRETARY.

To
The Secretary to Government, Revenue Department.

CSR/18-8
19/8.

Memo No: 26792 A/53-3/27/53 Rev Dept

Encl:- Land-(Smt. Kamala)
Udupi taluk- Bada village. Sno 47/A,
Eviction- Report.

From Ltr Bd of Rev ref. No. E 5384/5
of 17.8.53-

A copy of Govt Memo No:
26792 A/53-1 Rev of 17.4.53 is
furnished to the Bd of Rev as
requested in its reference quoted
above.

REVENUE DEPARTMENT.

Subject.

Encroachment - [illegible] (Bilikeulam) Udipi Taluk - Bada Village - S.No.47/A - Eviction - Petition [illegible] Shetty (Sri Y) - Report - Submitted.

-x-x-x

Memo no 26792 AF/53-1 dated 11-11-53

Encroachment – Land – (South Kanara) – Udupi taluk – Bada village – S.no 47/A1 – Show – Eviction – petition against the Board's orders – Rejected

From Sri g. Muddu Shetty petition dated 10-3-52

Govt memo no 26792-A/53-1 Rev dated 17-4-53 from the Coll of South Kanara letter no 98 A5/53-2 dated 23-5-53 from the Bd of Rev Ref E-538 A/53-2 dated 24-9-53

The govt have called for and perused the connected records. They do not find sufficient reason to interfere on behalf of the petitioner. The petition is rejected

2 The stay of eviction proceedings granted in para 2 of Govt memo no 26792 A/53-1 Rev dated 17-4-53 is vacated

mvf
10-11-53

10/11/53

11/11/53

20,002—8-5-53.

ORDER PAPER.

Revenue Department.

Subject. Encroachment - Land - (South Kanara) - Udipi Taluk Bada Village - S.No.47/A1 - Shop - Eviction - Peittion against the Board's orders.

Recommendations of Circulating Officer.

The petition may be rejected and stay vacated.

Orders of Minister

(1) R (R.) M. A. Moomeenan 9.11.53

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10

If orders passed in the Cabinet, Decision of Cabinet.

Rev. Dept.

[Ero 2b 792 A/53] Encroachment Land (South Kanara) - Udipi Taluk - Bada village - S.No 47/A1 - Shop - Eviction - Petition against the orders of the Bd. of Revenue.

pl cf : From Sri Y. Muddu Shetty petition dated 10.3.53

To A.S.

Please see the petition in the cf.

2 The case relates to the encroachment by Sri Y. Muddu Shetty by construction of a building used as shop on an extent of about one cent in S.No 47/A1, which adjoins a road, of Bada village, Udipi Taluk, South Kanara Dt. The petitioner has stated that the portion encroached upon by him is situated about 95 links away from the centre of the road, that he has been in occupation of the site for the past 20 years, that the site was leased to him for a rent of Rs 4-8-0 and that the removal of the encroachment will cause great loss and hardship to him. The appeal preferred by him to the Collector and the Bd. of Rev. have been rejected. He has therefore approached the Govt. with the request that the site may be granted on lease to him. It is not clear from the petition, how the occupation of the site was allowed in the first instance and why it was subsequently held as objectionable. However the petitioner has stated that the Collector of South Kanara inspected the site in Dec 52 before the appeal preferred by him to the Bd. of Rev. was rejected. It therefore seems that the encroachment is objectionable. Further in land encroachment cases the Bd. of Rev. is the final appellate authority and no appeal or revision lies to Govt. In the above circumstances it does not seem necessary to examine the case in further detail after calling for a report from the Collector and the Bd. of Rev. The petition may be rejected. Subject to orders a draft memo is submitted for approval.

In view of R' in the c.f. we may get a report from the Coll

Sivaramakrishnan. 5.4.53.

9.4.53

10/4/53

re Sri Y. Maddu Shetty petition dated 19-4-53] p2 CF

To A.S.

RC.No.26792-A/53

Please see the notes on plainte and the orders at the bottom of plainte and the further petition on p2 CF. The petition on p2 CF is similar to the petition on p1 CF.

2 It is submitted that the petitioner has also requested that execution proceedings may be stayed. Pending the decision to call for a report from the collector it is for orders whether the request for the grant of stay may also be complied with. Subject to orders a draft memo is submitted for approval. The file may be circulated to M(LR) for approval of the draft memo below.

T on p1 CF
M plainte
T on p1 CF

15/4/53

17/4/53 M(LR)

M. (d-K) 16/4

(Issued as Memo.No.26792-A/53-1, dated 17-4-1953. P2 CF
From the Board of Revenue, Ref.E.5384/53-2, dated 24-9-1953). P8 CF

To U.S.-

Please see the notes from page 1 ante, the Memo. at p.2 C.F. and the Board's Report at p.8 C.F.

2. The Board has reported that as the petition on p.1 C.F. does not contain any fresh facts, it has no remarks to offer. It is seen from p.4 N.F. of B.P.428, dated 16-1-1953 that the Board rejected the petitioner's appeal, in view of the instructions in G.O.No.3180, Revenue dated 1-12-1951. ~~There is no interference called for on behalf of the petitioner. For orders whether the petition may be rejected and the stay granted in Memo. No. 26782-A/53-2, Revenue, dated 18-4-1953 vacated.~~

P8 CF

(K)

(D)

P2 CF

The Coll. has inspected

5

the site on 10.12.52. His remarks are in para 3 of his letter at p 17 CF (K) Please also see the letter of the Asst Engineer (H) at pp 29-30 CF (K) It will be seen from these reports that the petitioner originally encroached. A at p 17 CF (K) upon the adjacent plot which was leased & then assigned to him Similarly he has encroached upon this plot first by constructing a Tine Roofing adj, which he has since replaced by tiled roofing with a concreted floor The Asst Engineer also considers that allowing this encroachment will encourage the neighbouring shop keepers to move forward their shop frontage. In X at p 29 CF (K) (I) is to cases like this their the order in G.O.no 3180 dtd 1.12.51 apply. Therefore the petition may be rejected & the stay granted in the memo at p 2 CF vacated

S
3/11/53

This is a case of progressive encroachment by small stages. Such tendencies should be discouraged (vide G.O. at flag (I))

The petition may be rejected and stay vacated

@ Narasimhan
4/11/53

S

V.J
The O.P. may be called with the file & put up the petition

S
M (R)
7/11/-

Order passed
[illegible]

SECRETARY TO GOVERNMENT
9 NOV 1953
REVENUE DEPARTMENT.

M. (R.) M. A. Manickam
9. 11. 53

please see
7/11/53

Four. S

A draft memo is submitted for approval

mp
10-11-53.

S
6/11/53

@ MM 11/11